

NSA STAFF PROCESSING FORM

TO D/DIR	EXREG CONTROL NUMBER	KCC CONTROL NUMBER J9673B-92/J9837B-92
THRU ExecDir	ACTION <input checked="" type="checkbox"/> APPROVAL <input type="checkbox"/> SIGNATURE <input type="checkbox"/> INFORMATION	EXREG SUSPENSE KCC SUSPENSE ELEMENT SUSPENSE
SUBJECT Release of Venona Translations to FOIA		
Requesters - DECISION MEMORANDUM		
DISTRIBUTION DDP, OGC, N5, N5P, N5P5, N5P6, M5J, Z22, A952, E32		
SUMMARY		

~~(FOUO)~~ The 49 Venona translations being provided to the FOIA requesters pursuant to their appeals are being released to the public at a ceremony at CIA on 11 July. They will be available after that time at the National Cryptologic Museum and NARA. These are the first of over 2,000 translations we anticipate releasing by July 1996. Releases will be made concurrently to the FOIA requesters and the museum. The documents will be provided to NARA by E32 in accordance with NARA's requirements for accepting such material.

~~(C)~~ Deletions to the documents are made in accordance with b(1), b(3)/all statutes and b(6). We do not protect old NSA organizational designators. [REDACTED]

~~(TSC)~~ Classified NSA information being protected consists of the current code word (C-CCO) and the cryptosystem titles which appear on the document [REDACTED] which is TSC. FORESEEABLE HARM:

(U) We looked closely at the need to protect the names of individuals included in these KGB/GRU messages because of the strong interest individuals have in not being associated unwarrantedly with criminal activity, particularly the stigma attached to a person by having his name appear in communications regarding espionage. There was much debate over the release and denial of the names. Basically there are two schools of thought on the need to protect/release such information. (page 1 of 2)

COORDINATION/APPROVAL

OFFICE	NAME AND DATE	SECURE PHONE	OFFICE	NAME AND DATE	SECURE PHONE
ExReg		3201			
OGC	<i>see comment 7/3/95</i>	5087			
DDP	<i>6/3</i>				
N5	<i>7/3</i>	5254			
N5P	<i>30 June 95</i>	3083			
ORIGINATOR	ORG.		PHONE (Secure)		DATE PREPARED
Rona Lerner	N5P5		963-5827		29 June 1995

~~TOP SECRET UMBRA~~

(b)(5)

~~(FOUO)~~ The view espoused by Lou Benson (M5J) is that some names should be released because of their historical importance and because they appear (numerous times in many cases) in the KGB/GRU's own messages. [REDACTED]

[REDACTED]

~~(FOUO)~~ The other view, held by N5P, is based on (b)(6) of the FOIA which provides protection of personal privacy interests when the information, if disclosed, would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. N5P's position is that the appearance of an individual's name in communications of the intelligence service of a foreign government stigmatizes that individual unless the name appears in a context that does not reflect or imply criminal activity, such as a translation that includes the truename of a scientist working on the Manhattan Project. Naming the scientists who worked on the atomic bomb in their professional capacity does not mark them as cooperating with a foreign intelligence service. If a scientist appears in an ambiguous context, however, where one may surmise that he provided information to the Russians, the name warrants protection. In addition, many of the messages contain names without context because of unrecovered text. Such references may also reflect negatively on an individual because of the ambiguity of his association with the KGB/GRU. If an individual is deceased, we apply the privacy consideration to surviving family members who would also suffer from the stigma attached to the decedent.

(b)(3)-P.L. 86-36
(b)(5)

(U) Attached at Tab 1 is the N5P list of names being released and denied with explanatory comments. Tabs 2 and 3 contain Mr. Benson's review of names that N5P sought to protect and his rationale for the protection/release of each name. The highlighted documents are at Tab 4. We also provide the requesters with a copy of the introduction and guide to the translations which was written to assist the public in understanding the material. The letters to the FOIA requesters are in the green folders. .

[REDACTED]

D/DIR's DECISION ON PROTECTION OF NAMES:

1. Agree with deletion of names and have signed letters *[Signature]*
2. Release the following names: _____
3. Would like to discuss with GC ☒, M5J ☒, N5P ☒ *final discussion*

~~TOP SECRET UMBRA~~



NATIONAL SECURITY AGENCY
FORT GEORGE G. MEADE, MARYLAND 20755-6000

Serial: J9837B-92
10 July 1995

Mr. Arnold Beichman
Senior Research Fellow
Hoover Institution
Stanford, CA 94305-6010

Dear Mr. Beichman:

This is a partial reply to your 6 July 1993 letter appealing the National Security Agency's (NSA) refusal to release records responsive to your 16 December 1992 Freedom of Information Act (FOIA) request for information related to "U.S. intercepted encoded Soviet messages...together with their decoded contents," specifically VENONA material originated during 1936-1947. In September 1994, a member of the Office of Policy contacted you to clarify that you are seeking the original Soviet messages and NSA's translations. Your initial request, the Director of Policy's response to you, and your letter of appeal have been reviewed. As a result, I initiated a declassification review of the information you requested. The review of some of those documents has been completed, and 49 translations are enclosed. Additional documents will be provided to you as their review is completed.

Some of the information deleted from the enclosures continues to meet the criteria for classification set forth in subparagraphs (a)(3), (a)(4), and (a)(8) of section 1.3 of Executive Order 12356. The information remains currently and properly classified CONFIDENTIAL and TOP SECRET in accordance with the criteria established in section 1.1 of Executive Order 12356. The information is classified because its disclosure could reasonably be expected to cause exceptionally grave damage to the national security. Accordingly, the information is exempt from disclosure pursuant to 5 U.S.C. § 552(b)(1).

Moreover, this same information is also protected against disclosure by 5 U.S.C. § 552(b)(3) which provides that the FOIA does not apply to matters that are specifically exempted from disclosure by statute. The applicable statutory provisions with regard to the information being withheld are: 18 U.S.C. § 798, which prohibits the release of classified information concerning communications intelligence activities to unauthorized persons; the National Security Act, 50 U.S.C. § 403-3(c)(5), which protects information pertaining to intelligence sources and methods; and Section 6 of the National Security Agency Act of 1959, (Public Law 86-36, 50 U.S.C. § 402 note), which provides that no law shall be construed to require the disclosure of the organization, personnel, functions or activities of NSA.

In addition, information regarding other individuals has been deleted from the enclosures in accordance with 5 U.S.C. § 552(b)(6). This exemption protects from

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disclosure information which would constitute a clearly unwarranted invasion of personal privacy. In balancing the public interest for the information you request against the privacy interests involved, I have determined that the privacy interests sufficiently satisfy the requirements for the application of the (b)(6) exemption.

Because information has been withheld from the enclosed documents, you may consider this to be a partial denial of your appeal. You are hereby advised of your rights under 5 U.S.C. § 552 to seek judicial review of this determination. You may seek an order from the United States District Court in the district in which you reside, in which you have your principal place of business, in which the Agency's records are situated (U.S. District Court of Maryland), or in the District of Columbia for the production of any Agency information which you consider to have been improperly withheld from the enclosed documents by this Agency. Title 5 U.S.C. § 552(a)(4)(B) sets out your rights in this matter with respect to such judicial action. You may wish to reserve your right to judicial review until we complete the processing of the documents.

A public release of the enclosed information is scheduled, and the information will also be made available for public inspection at the National Cryptologic Museum in Fort Meade, Maryland. In addition, we expect to make arrangements for the material to be made available through the National Archives and Records Administration in the future. Because of the unusual nature of the documents being released, an introduction and guide to the translations has been prepared for the public releases. I have included a copy of that guide with the enclosures for your use.

Sincerely,



WILLIAM P. CROWELL

Freedom of Information Act/Privacy Act
Appeals Authority

Encls:
a/s



NATIONAL SECURITY AGENCY
FORT GEORGE G. MEADE, MARYLAND 20755-6000

Serial: J9673B-93
10 July 1995

Mr. Sanho Tree
Research Associate
Institute for Policy Studies
1601 Connecticut Avenue, N.W.
Washington, DC 20009

Dear Mr. Tree:

This is a partial reply to your 19 November 1993 letter appealing the National Security Agency's (NSA) refusal to release records responsive to your 26 August 1993 Freedom of Information Act (FOIA) request for "intercepts of Soviet transmissions commonly referred to as VENONA." Your letter indicates that you are interested in the contents of the messages. Your initial request, the Director of Policy's response to you, and your letter of appeal have been reviewed. As a result, I initiated a declassification review of the information you requested. The review of some of those documents has been completed, and 49 translations are enclosed. Additional documents will be provided to you as their review is completed.

Some of the information deleted from the enclosures continues to meet the criteria for classification set forth in subparagraphs (a)(3), (a)(4), and (a)(8) of section 1.3 of Executive Order 12356. The information remains currently and properly classified CONFIDENTIAL and TOP SECRET in accordance with the criteria established in section 1.1 of Executive Order 12356. The information is classified because its disclosure could reasonably be expected to cause exceptionally grave damage to the national security. Accordingly, the information is exempt from disclosure pursuant to 5 U.S.C. § 552(b)(1).

Moreover, this same information is also protected against disclosure by 5 U.S.C. § 552(b)(3) which provides that the FOIA does not apply to matters that are specifically exempted from disclosure by statute. The applicable statutory provisions with regard to the information being withheld are: 18 U.S.C. § 798, which prohibits the release of classified information concerning communications intelligence activities to unauthorized persons; the National Security Act, 50 U.S.C. § 403-3(c)(5), which protects information pertaining to intelligence sources and methods; and Section 6 of the National Security Agency Act of 1959, (Public Law 86-36, 50 U.S.C. § 402 note), which provides that no law shall be construed to require the disclosure of the organization, personnel, functions or activities of NSA.

In addition, information regarding other individuals has been deleted from the enclosures in accordance with 5 U.S.C. § 552(b)(6). This exemption protects from disclosure information which would constitute a clearly unwarranted invasion of


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personal privacy. In balancing the public interest for the information you request against the privacy interests involved, I have determined that the privacy interests sufficiently satisfy the requirements for the application of the (b)(6) exemption.

Because information has been withheld from the enclosed documents, you may consider this to be a partial denial of your appeal. You are hereby advised of your rights under 5 U.S.C. § 552 to seek judicial review of this determination. You may seek an order from the United States District Court in the district in which you reside, in which you have your principal place of business, in which the Agency's records are situated (U.S. District Court of Maryland), or in the District of Columbia for the production of any Agency information which you consider to have been improperly withheld from the enclosed documents by this Agency. Title 5 U.S.C. § 552(a)(4)(B) sets out your rights in this matter with respect to such judicial action. You may wish to reserve your right to judicial review until we complete the processing of the documents.

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Sincerely,


WILLIAM P. CROWELL
Freedom of Information Act/Privacy Act
Appeals Authority

Encls:
a/s